

REMARKS¹

In the Office Action, the Examiner rejected claims 1-5, 10, 15, 20, 25, and 26 under 35 U.S.C. § 103(a) as being unpatentable by U.S. Patent No. 7,325,246 to Halasz et al. (*Halasz*) and further in view of U.S. Patent No. 6,996,714 to Zorn et al (*Zorn*); and rejected claims 6-9, 11-14, 16-19, and 21-24 under 35 U.S.C. § 103(a) as being unpatentable over *Halasz* and *Zorn* and further in view of U.S. Patent No. 6,853,729 to Mizikovsky et al. (*Mizikovsky*).

Claims 1, 2, 3, 6-9, 25 and 26 have been amended. Claims 4 and 5 have been cancelled, rendering the rejections of these claims moot. Support for foregoing amendments can be found throughout the specification, drawings, and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

Claims 1-5, 10, 15, 20, 25, and 26

Applicant respectfully traverses the rejection of claims 1-3, 10, 15, 20, 25, and 26 as being unpatentable by *Halasz* and *Zorn*. No *prima facie* case of obviousness is established. The Examiner has not properly resolved the *Graham* factual inquiries, the proper resolution of which is the requirement for establishing a framework for an objective obviousness analysis. See MPEP § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007).

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to certain assertions or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

By this Amendment, Applicant has amended independent claims 1, 25, and 26 to more clearly illustrate the differences between the cited references and the pending claims. Applicant maintains that the Examiner has not properly determined the scope and content of the prior art, and has not properly ascertained the differences between the claimed invention and the prior art, at least because he has not interpreted the prior art and considered both the invention and the prior art as a whole. See MPEP § 2141(II)(B).

For example, claim 1 recites a method for distributing encryption keys in a Wireless Local Area Network (WLAN), including, *inter alia*, a combination of “sending key-related information M1 to an access point (AP) and a message comprising ACCESS_ACCEPT information to said mobile host, wherein **the key-related information M1 includes property information associated with the mobile host, and said key-related information M1 is used to generate a key by said AP; ... and said message comprising the ACCESS_ACCEPT information is used to obtain the key by the mobile host**” (emphasis added). Applicant respectfully submits that *Halasz*, whether taken alone or in combination, does not disclose at least the claimed method.

The Examiner points to col. 6, lines 33-43 of *Halasz* as allegedly teaching “said key-related information M1 is used to generate a key by said AP.” Office Action, page

3. The cited passage discloses:

If authentication is successful, flow is out the "Y" path of decision block 306 to a function block 310 where **the AS 106 generates a session key, and sends the key and authorization state to the AP 102**. In a function block 312, the AP 102 then notifies the switch 100 (with packet traffic signed by the message authentication check key) that authentication state of the client 104 was successful, and also sends the MAC address of the client 104 to the switch 100.

Halasz, col. 6, lines 33-43 (emphasis added).

As seen in the above quoted passage, in *Halasz*, **the authentication server (AS) 106 generates the key**. In contrast, claim 1 recites “said key-related information M1 is used to generate a key **by said AP [i.e., access point]**” (emphasis added). *Halasz* fails to disclose that the key-related information M1 is used to generate a key **by said AP**.

Furthermore, *Halasz* does not disclose “said message comprising the ACCESS_ACCEPT information is used to obtain the key **by the mobile host**,” as recited in the claim 1 (emphasis added). The Examiner asserted that *Halasz* teaches the client obtaining the session key based on the outcome of the authentication request. See Office Action, page 3. However, *Halasz* at best discloses that “**a session key is derived for the wireless client 104** in the same manner as for the AP 102 **during its authentication process through the switch 100 to the AS 106**.” *Halasz*, Col. 4, lines 25-31 (emphasis added). Claim 1, on the other hand, recites that “said message comprising the ACCESS_ACCEPT information is used to obtain the key **by the mobile host**” (emphasis added). *Halasz* fails to disclose “said message comprising the ACCESS_ACCEPT information is used to obtain the key by the mobile host,” as recited in claim 1.

Claim 1 also recites “sending key-related information M1 to an access point (AP) ..., wherein **the key-related information M1 includes property information associated with the mobile host**.” The Examiner asserted, with respect to claim 2, that *Halasz* teaches such a feature at col. 3, lines 36-57. See Office Action, page 4. However, *Halasz* at best discloses that “the switch 100 receives a connection request

from the AP 102 and passes the request and information related to the AP 102 to the AS 106. The AS 106 checks its authentication database for preexisting identity information about the AP 102, depending on the authentication type. For example, where the authentication type utilizes a username and password as identity information, all or some of the identity information is passed from the AP 102.” *Halasz*, Col 3, lines 36-57. As seen above, *Halasz* merely discloses checking and sending identity information, but fails to disclose “sending ... **property information associated with the mobile host**,” as recited in claim 1 (emphasis added).

Zorn fails to cure the deficiencies of *Halasz*. *Zorn* at best discloses a challenge-handshake protocol within the Extensible Authentication Protocol for authentication between a client and a network. *Zorn* provides no disclosure or suggestion of “sending key-related information M1 to an access point (AP)...the key-related information M1 includ[ing] property information associated with the mobile host”, “key-related information M1 [being] used to generate a key by said AP,” and “said message comprising the ACCESS_ACCEPT information [being] used to obtain the key by the mobile host,” as recited in claim 1. In fact, the Office action does not assert that *Zorn* teaches any of the above-mentioned elements of independent claim 1.

For at least the foregoing reasons, claim 1 should be allowable over *Halasz* and *Zorn*. Claims 25 and 26, although of different scope, recite elements similar to those recited in claim 1, and should be allowable over *Halasz* and *Zorn* for at least the same reasons as claim 1. Moreover, claims 2-3, 10, 15, and 20 should be allowable at least due to their dependence from claim 1. Accordingly, Applicant respectfully requests that

the Examiner withdraw the rejection of claims 1-3, 10, 15, 20, 25, and 26 under 35 U.S.C. § 103(a).

Claims 6-9, 11-14, 16-19, and 21-24

Claims 6-9, 11-14, 16-19, and 21-24 depend from claim 1, and thus require all of the elements recited in claim 1. As discussed above, *Halasz* and *Zorn* do not disclose, teach, or suggest a method for distributing encryption keys in a Wireless Local Area Network (WLAN) including, *inter alia*, “sending key-related information M1 to an access point (AP)...the key-related information M1 includ[ing] property information associated with the mobile host”, “key-related information M1 [being] used to generate a key by said AP,” and “said message comprising the ACCESS_ACCEPT information [being] used to obtain the key by the mobile host,” as recited in claim 1, and required by claims 6-9, 11-14, 16-19, and 21-24. *Mizikovsky* fails to cure the deficiencies of *Halasz* and *Zorn*.

Mizikovsky generally discloses “[a] system for updating a communications key(s) performs an authentication(s) of the unit and/or of the communications system using an update key,” wherein “[b]y using the update key to perform the authentication(s), the key update system can reduce communications between a home communications system and a visiting communications system by sending the update key to the visiting communications system while maintaining the communications key at the home communication system.” *Mizikovsky*, abstract. *Mizikovsky* further discloses “[w]hen performing an update of a communications key SSD, the communications system creates a RANDSSD sequence which is provided to the unit 64,” and “[t]he communications system 65 calculates a new communications key SSD-NEW by taking

the output of a cryptographic function 67 (F0) using the sequence RANDSSD and the secret key A-key as inputs.” *Id.*, at col. 8, lines 7-20. *Mizikovsky*, however, provides no disclosure or suggestion of a method for distributing encryption keys in a Wireless Local Area Network (WLAN) including, *inter alia*, “sending key-related information M1 to an access point (AP)...the key-related information M1 includ[ing] property information associated with the mobile host”, “key-related information M1 [being] used to generate a key by said AP,” and “said message comprising the ACCESS_ACCEPT information [being] used to obtain the key by the mobile host,” as recited in claim 1, and required by claims 6-9, 11-14, 16-19, and 21-24.

As explained above, the elements recited in claim 1 and required by claims 6-9, 11-14, 16-19, and 21-24 are neither taught nor suggested by the applied references. Nor has the Examiner explained how teachings of the references could have been modified to achieve the claimed combination. Consequently, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, no reason has been clearly articulated as to why the claim would have been obvious to one of ordinary skill in the art in view of the prior art. Therefore, a *prima facie* case of obviousness has not been established for claims 1, 6-9, 11-14, 16-19, and 21-24.

For at least the above reasons, claims 6-9, 11-14, 16-19, and 21-24 should be allowable. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 6-9, 11-14, 16-19, and 21-24 under 35 U.S.C. § 103(a).

II. Conclusion


In view of the foregoing remarks, Applicant respectfully submits that the pending claims are not anticipated or rendered obvious by the applied references. Accordingly, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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